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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/726,240	11/29/2000	Kevin Lauren Cote	600.1113	9605

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EXAMINER

DICKENS, CHARLENE

ART UNIT

PAPER NUMBER

2855

DATE MAILED: 06/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/726,240

Applicant(s)

COTE ET AL.

Examiner

Ex. Dickens

Art Unit

2855

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 September 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 10.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 does not recite element(s) that performs the web tension measurement.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 3, 4, 6, 9-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Dreschau et al. In regards to claims 1, 10, Dreschau et al. teaches a web tension measurement device/method comprising: a roller 16, the roller having an axis of rotation, the axis being moveable in a first direction (Fig. 1) by the web 15; a counteracting device 17 connected to the roller; and a controller 21 connected to the counteracting device;

Claim 3: Dreschau et al. teaches a counteracting device is motor;

Claim 4: Dreschau et al. teaches a controller is a solid state device (col. 4, lines 30-32);

Claims 6, 9: Dreschau et al. teaches a pivot shaft mechanically linked to the counteracting device (Figs. 1, 3);

Claim 11: Dreschau et al. teaches the roller can be stationary, i.e., when the driver is not driving the roller.

5. Claims 1, 3, 4, 6, 9-11 are rejected under 35 U.S.C. 102(b) as being anticipated by DE4232635. In regards to claims 1, 10, DE4232635 teaches a web tension measurement device/method comprising: a roller, i.e., a dancer roll arrangement (abstract), the roller having an axis of rotation, the axis being moveable in a first direction by the web 9; a counteracting device (abstract) connected to the roller; and a controller, i.e., two flexible leads, connected to the counteracting device;

Claim 3: DE4232635 teaches a counteracting device is motor (abstract);

Claim 4: DE4232635 teaches a controller is a solid state device;

Claims 6, 9: DE4232635 teaches a pivot shaft mechanically linked to the counteracting device (Figs. 1,2);

Claim 11: DE4232635 teaches the roller can be stationary, i.e., when the motor is not driving the roller.

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dreschau et al. in view of Colson et al. Claim differ from Dreschau et al. above with the recitation of a liquid cooled roll. Colson et al. discloses a liquid cooled roll 104 for the purpose of eliminating the possibility for a wrinkled or warped product (col. 11, lines 2-4). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a liquid cooled roll in Dreschau et al. as taught by Colson et al. for the purpose of eliminating the possibility for a wrinkled or warped product (col. 11, lines 2-4).

8. Claims 5, 7, 8, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dreschau et al. in view of DE 4027938. Claims differ from Dreschau et al. above with the recitations of lever arms and drive sprockets. In regards to claims 5 and 12, DE 4027938 discloses lever arms (68, 82) for the purpose of advancing printable material in a printing means (abstract). It

would have been obvious to one having ordinary skill in the art at the time the invention was made to have a lever arms in Dreschau et al. as taught by DE 4027938 for the purpose of advancing printable material in a printing means (abstract). In regards to claims 7 and 8, DE 4027983 is suggestive of driven rollers that are linked together. DE 4027983 is silent about drive sprockets. This limitation serves the purpose of driving linked together rollers. Thus, drive sprockets would be one of numerous obvious devices one of ordinary skill in the art would select for the purpose of driving linked together rollers. Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have drive sprockets in Dreschau et al. as for the purpose of driving linked together rollers.


9. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dreschau et al. in. Claim differs from with the recitation moving an axis of a roller based on a controller's web compensator algorithm. This limitation serves the purpose of changing the position of a moveable roller. Dreschau et al. is silent about a controller having a compensator algorithm. Nevertheless, Dreschau does disclose a proportional-integral-differential controller for the purpose of controlling the drive of a coiler (col. 4, lines 30-33). It would have been obvious to one having ordinary skill in the art at the time the invention


was made to have moving an axis of a roller based on a controller's web compensator algorithm in Dreschau et al. for the purpose of controlling the drive of a coiler (col. 4, lines 30-33).

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Both Rau et al. and Gorissen disclose liquid cooled rollers.

11. Applicant's arguments with respect to claims 1-13 have been considered but are moot in view of the new ground(s) of rejection.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Dickens or the supervisor, Edward Lefkowitz, whose telephone numbers are (703) 305-7047 or 305-4816, respectively. Any inquiry of a general nature or relating to the status of this application should be directed to the receptionist or the customer service representative whose telephone numbers are (703) 308-1782 or (703) 308-4800 respectively. The fax numbers are (703) 305-3431 and (703) 305-3432.


cd/dickens
June 23, 2003


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